conditions that exist within mammalian cells that overexpress eukaryotic initiation factor eIF4E relative to normal cells.

11. (once amended) A DNA sequence as recited in Claim 10, wherein the untranslated sequence allows translation of the toxin sequence under conditions which exist within mammalian cells that overexpress eukaryotic initiation factor eIF4E at least 2-fold greater relative to normal cells.

12. (once amended) A DNA sequence as recited in Claim 10, wherein the untranslated sequence comprises the 5' untranslated sequence selected from the group consisting of fibroblast growth factor-2, cyclin D1, proto-oncogene *c-myc*, vascular endothelial growth factor, and ornithine decarboxylase.

14. (once amended) A DNA sequence as recited in Claim 13, wherein the encoded conditional toxin is a herpes thymidine kinase.

15. (once amended) A DNA sequence as recited in Claim 14, wherein the untranslated sequence comprises the 5' untranslated sequence of fibroblast growth factor-2.

16. (once amended) A DNA sequence as recited in Claim 14, wherein the untranslated sequence comprises the 5' untranslated sequence selected from the group consisting of proto-oncogene *c-myc*, vascular endothelial growth factor, and ornithine decarboxylase.

17. (once amended) A DNA sequence as recited in Claim 10, wherein the untranslated sequence comprises mRNA with a secondary structure conformation having a stability of $\Delta G \geq$ about 50 Kcal/Mol.

18. (once amended) A DNA sequence as recited in Claim 17, wherein the untranslated sequence comprises a G/C- rich 5'UTR sequence.

Please add the following new claims:

19. (new) A DNA sequence as recited in Claim 18, wherein the untranslated sequence comprises mRNA with at least one substantially palindromic oligonucleotide sequence that is self-complimentary.

20. (new) A DNA sequence as recited in Claim 10, wherein the conditions that exist within mammalian cells that overexpress eukaryotic initiation factor eIF4E relative to normal cells are those that exist in metastatic tumor cells.

21. (new) A messenger RNA sequence that comprises a translatable sequence encoding a toxin, and an untranslated sequence; wherein the untranslated sequence comprises an mRNA sequence with a secondary structure conformation having a stability $\Delta G \geq$ about 50 Kcal/Mol and wherein the untranslated sequence inhibits translation of the toxin sequence under conditions that exist within normal mammalian cells that do not overexpress eukaryotic initiation factor eIF4E and wherein the untranslated sequence allows translation of the toxin sequence under conditions that exist within mammalian cells that overexpress eukaryotic initiation factor eIF4E relative to normal cells.

22. (new) A vector comprising the DNA sequence of claim 10.

23. (new) The vector of claim 21, wherein the vector is a viral vector.

24. (new) The vector of claim 22, wherein the vector is a non-viral vector.

25. (new) The vector of claim 23, wherein the vector is a BK vector.

26. (new) A pharmaceutical composition comprising a therapeutically effective amount of the vector of claim 21 and a carrier.

27. (new) The pharmaceutical composition of claim 25 wherein the carrier is a liposomal complex.

Attached hereto is a marked-up version of the changes made to the specification and claims by this current amendment. This page is located at the end of this response and is captioned **"Version with Markings to Show Changes Made."**